



Rules of Intestate Succession for Christians

SUCCESSION PLANNING SERIES #10



Intestate Succession for Christians



In our previous alert, we had dealt with the introduction, applicability and various provisions relating to domicile of a person under the Indian Succession Act, 1925. In this alert, we will be understanding the heirs, order, and rules for distribution in case of intestate succession of Christians.

Who are the heirs eligible to receive the property ? (a) Spouse (b) Kindred or consanguinity (anyone descending from common stock or common ancestor)

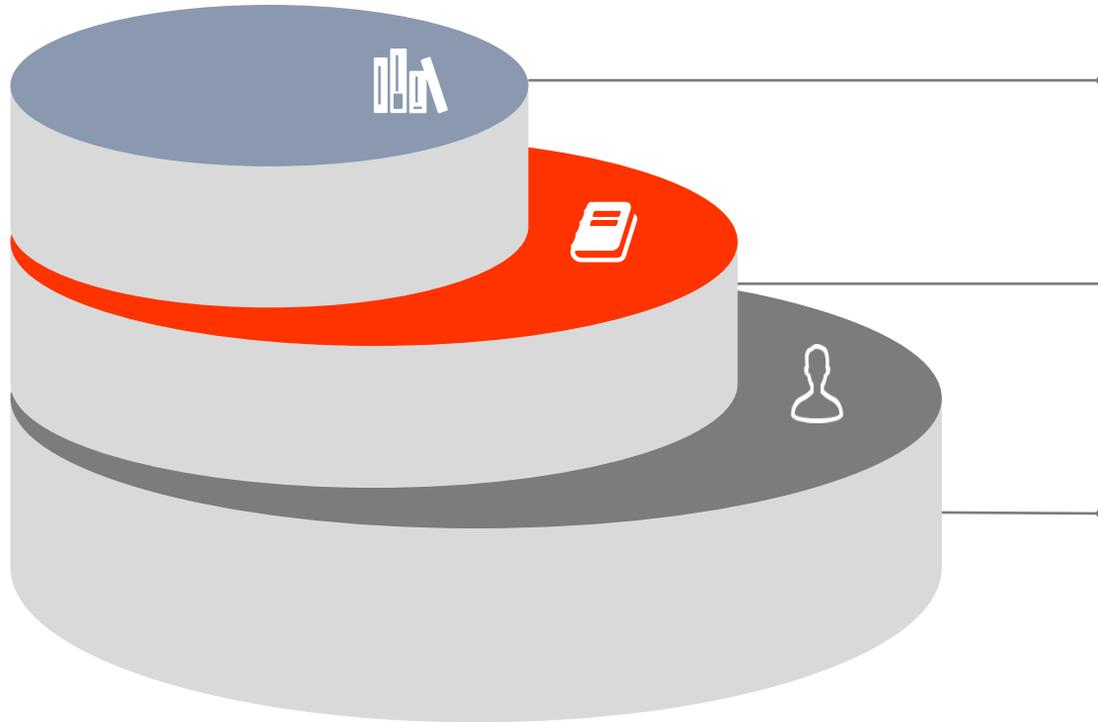
Share of Distribution



Survivors	Share of distribution		
	Spouse	Lineal descendant	Kindred
Only spouse (husband / wife)	Full	-	-
Spouse (Husband / wife), lineal descendant* and kindred	One third	Two third	NIL
Husband / wife and kindred	One half	-	One half
Only lineal descendant	-	Full	-
Only kindred	-	-	Full
No survivors	Wholly to government		

* A lineal descendant is a blood relative in the direct line of descent, i.e., the children, grandchildren, great-grandchildren, etc. of the deceased person.

Rules for distribution to lineal descendants



The order of distribution of the property, remaining after the share of the spouse, is as follows: **I.** Surviving son or daughter
II. Surviving son or daughter of pre-deceased son or daughter
III. Surviving son or daughter of pre-deceased son or daughter of pre-deceased son or daughter **IV.** And so on

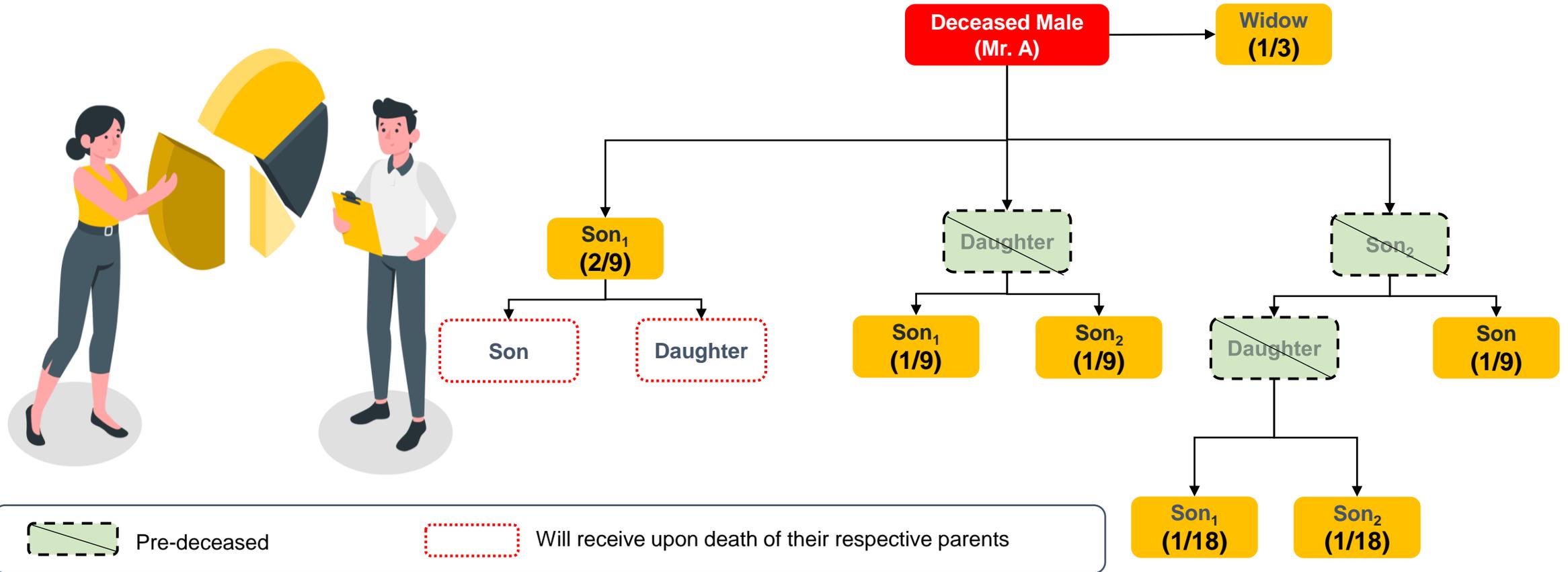
In a case there are more than one heir in the same eligible degree, then each heir divides equal share between them.

In a case where the intestate has surviving lineal descendants, who belong to different generations, the heirs in the branch of each pre-deceased son or pre-deceased daughter of the intestate shall take between them one share which their parent is eligible to receive.

Note: Posthumous son or daughter, in the womb during death but born after the death of the intestate, is included in the above hierarchy of distribution.

Rules for distribution to lineal descendants - Illustration

In case, Mr. A passed away recently without leaving behind a valid Will. The heirs of Mr. A are as follows: (a) Surviving son and his son and daughter (b) Two surviving sons of pre-deceased daughter (c) Surviving son and daughter of pre-deceased daughter of pre-deceased son (d) Wife (widow). Their share in the property would be as highlighted in black below



Rules for distribution where there are no lineal descendants

- A** In case there are no lineal descendants of the deceased, then the following order of distribution shall apply for the property **remaining after distributing the spouse's share**:
- I. Surviving father
 - II. Surviving mother, brother, sister, children of pre-deceased brother and children of pre-deceased sister
 - III. Relatives who are in the nearest degree of kindred to intestate

Note : *Half-blood brother or sister are also included.*

- B** In a case where there are more than one heir in the same eligible degree, then each heir divides equal share between them.

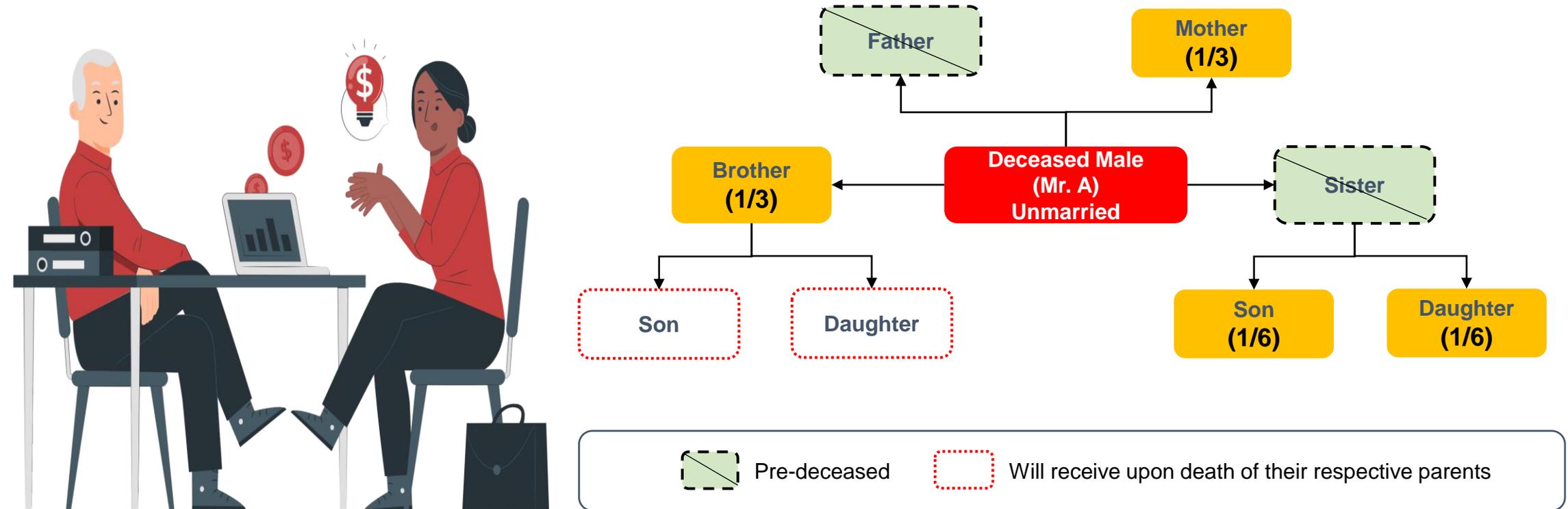
- C** In a case where the intestate has surviving heirs, who belong to different generations, the heirs in the branch of each pre-deceased brother or pre-deceased sister of the intestate shall take between them one share which their parent is eligible to receive



Rules for distribution when there are no lineal descendants

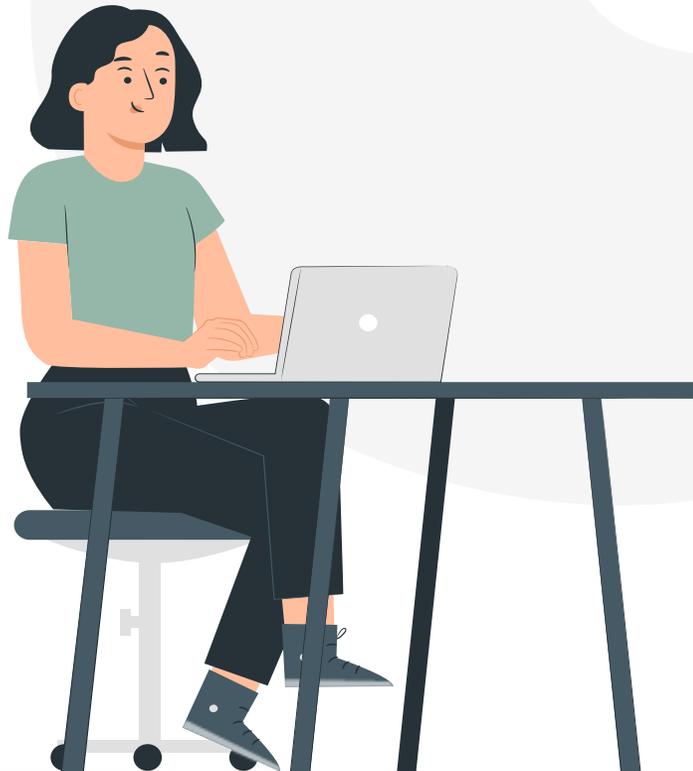
- Illustration

In case, Mr. A passed away recently without leaving behind a valid Will. The heirs of Mr. A are as follows: (a) Surviving mother, (b) brother, sister, (c) children of pre-deceased brother and (d) children of pre-deceased sister. Then their share in the property would be as highlighted in black below



Succession Knowledge Series

Please find below the list of completed alerts from the series. In case you have missed the previous alerts, click on the hyperlink for the completed alerts to refer the same.



- ① [An Introduction to Succession Planning](#)
- ② [Types of Succession in India.](#)
- ③ [An Introduction to Hindu Succession Act, 1956](#)
- ④ [Rules of Intestate Succession Male - Part 1](#)
- ⑤ [Rules of Intestate Succession Male - Part 2](#)
- ⑥ [Illustrations on Intestate Succession for Hindu Male](#)
- ⑦ [Intestate Succession for Hindu Female](#)
- ⑧ [Key Aspects in Hindu Succession Act, 1956](#)
- ⑨ [Introduction to Indian Succession Act](#)

In case you have downloaded the alert via LinkedIn, the links might not work, refer our website for the same - <https://www.m2kadvisors.com/>

Please click on the link to subscribe to our alerts – [**M2K Alert Subscription**](#)

Got more
questions?

*Drop in your queries below and we'll try
covering them in the upcoming series*

[Enter your questions here](#)



knowledge@m2k.co.in



M2K Advisors

*In case you have downloaded the alert via LinkedIn, the link to the form might not work,
refer the mentioned link for the same - <https://forms.gle/7Urx7gJFn8r5Ysob6>*

THANK YOU

Chennai - India

M2K Advisors LLP

30/64, 7th Floor, Briley One,
Ethiraj Salai, Egmore,
Chennai - 600008
Tamil Nadu

Hyderabad - India

M2K Advisors LLP

Manjeera Trinity Corporate
JNTU Road, Plot No S2 ,
Telangana- 500072
Hyderabad

Singapore

M2K Advisors Pte Ltd

The Octagon,
105 Cecil Street, #07-02
Singapore 069534

USA

M2K Sai Advisors Inc

1 AUER CT,
2nd Floor, East
Brunswick
New Jersey - 08816

Reach us at:

knowledge@m2k.co.in



This deck is intended for general guidance only and hence should not be considered as an advice or opinion. We do not accept any responsibility for loss occasioned to any person acting or refraining from action as a result of any material in this deck. On any specific matter, reference should be made to the appropriate advisor.